

Intelligence Ethics

When resources on a national scale can be applied in secrecy, as they have to be in intelligence, the power of public scrutiny cannot always be brought to bear against their prospective misuse. In the absence of such scrutiny, and particularly because of the opportunities for malpractice that intelligence offers, the only safeguard is a firm sense of ethics among its operators. This chapter therefore discusses some of the ethical problems that are involved.

Respect for Allies

Since intelligence often involves prying into another country's secrets, the question arises of the extent to which this can be justified. In my days in intelligence we observed a rule handed down to us that we should not spy on allies. The tradition was so strong that Churchill himself ordered that there should be no espionage against Russia once the German attack in 1941 had brought the Russians into alliance with us. And even after the alliance had dissolved in the Cold War, we have seen how Lord De L'Isle ruled that we should refrain from any reconnaissance against the *Sverdlovsk* at the Coronation Review of 1953.

Such a ruling, however, evidently had little effect at the later visit of the warship *Ordzhonikidze* which brought Khrushchev and Bulganin to Portsmouth in 1956, for it resulted in the affair in which Commander Crabb lost his life while attempting an underwater reconnaissance: and on the same visit the rooms to be occupied by Khrushchev and Bulganin were 'bugged', according to Peter Wright's account in *Spycatcher*.¹ It could, of course, be pleaded that this discourtesy was merely a reciprocation for the similar measures the Russians had long taken against us. But Peter Wright also relates how he and his colleagues 'bugged' the French Embassy between 1960 and 1963. It was clever work which resulted in our reading the French high-grade cipher coming in and out of the French Embassy in London. 'Every move made by the French during our abortive attempt to enter the Common Market was monitored.'² It is true that, as far as the Common Market was concerned, the French could no longer be regarded as our allies, and yet for me the episode jars.

The reason is that it brings back a memory of a very different episode in which we and the French were involved with ciphers. This was in 1945 when the British cryptographers at Bletchley were anxious to interrogate their German counterparts after the German surrender. We traced their flight from the wartime headquarters at Treuenbitzen and found that they were now in the relatively small zone of Germany that had been allocated for French control. After their wartime history the French were tending to re-establish their dignity whenever occasion arose, and this was one: they would not allow a mission of British and American cryptographers to enter their zone, and all representations, both military and diplomatic, had failed. I heard about the problem at Bletchley, and put it to my French colleague, Professor Yves Rocard, the Director of Research of the Free French Navy, whose contributions I described in *Most Secret War*.³

He said that he would see what could be done, and within a day he returned to my office to tell me that our cryptographers would now be welcome to go in, and to talk to the Germans. The French would not even ask to be present at the interrogations, and their only request was that if we discovered anything that affected the security of France, they would be grateful to know. Such a change had been brought about simply by the complete trust that the events of war had forged between Rocard and myself, and it shows how such a trust may prove much stronger than the wary relationships of diplomacy. With that memory, I for one could not have bugged the French Embassy.

Diplomatic Bags

A classic way of spying on embassies is, of course, the interception of diplomatic bags and the clandestine opening of the mail they contain. Much skill can be exerted in this process, as Peter Wright describes in *Spycatcher*, to avoid any sign that the contents have been read.⁴ He also says that the simple application of Sellotape to the original sealing of the envelope makes it very difficult to open without giving the ultimate recipient any sign of tampering. During the war a colleague officer came to me with another simple suggestion for detecting whether our own confidential letters had been subject to unauthorized opening. This was simply to seal a letter in the ordinary way, and then to run it several times through a sewing machine. For if the letter were subsequently opened by cutting the thread it would be almost impossible to replace the enclosed sheets in such a way that all the holes would line up with those in the envelope so accurately that the ensemble could be re-stitched exactly as the original. He asked me whether I thought that it would work, and on receiving my encouragement he said he would send a stitched letter over to some of our security experts to see if they would agree. 'Just one more thing,' I suggested. 'Mark the cotton thread at intervals with a fluorescent dye, so that if they manage to replace the cotton we can identify that it is not what we used.' Here I banked on a human weakness that I had seen several times before (and many since) which beguiles clever minds to concentrate on the difficult parts of a challenge to such an extent that they overlook the simpler ones. After three days the envelope came back to us immaculately re-stitched with no visible sign of tampering, but including a complimentary card from our friends to show that they had opened it. They were furious when we told them that we were certain it had been opened, and that they had failed to spot the simple trick of fluorescent marking in concentrating, otherwise so successfully, on the very difficult task of re-stitching.

In such an instance the contest between the men trying to protect their country's secrets and the men who are trying to pry them open can be a battle of wits in which each side is aiming to be cleverer than the other, with all the thrust and parry of a mediaeval joust. And while such chivalry as Lord De L'Isle showed (see above, page 22) in the *Sverdlovsk* visit is rare, the contest tends to develop its own rules. Almost every power accepts that it is fair game to try and decrypt the signals of its potential opponents, even though there was the classic instance of the US Secretary of State, Henry Stimson, who in 1929 closed down the famous Black Chamber, the American cryptographic centre of World War I and afterwards, because, as he said, 'Gentlemen do not read each other's mail.' But while there may be something sneaky and furtive in reading a private letter, cryptography need have neither of these aspects and can be a highly intellectual exercise even though we may regret the diversion of so much intellect to such an uncreative end.

Open Skies

Much the same is true of both photographic and electronic reconnaissance. In pre-Sputnik days it could be argued that to fly a photographic aircraft over another country without its permission was an infringement of national sovereignty, and the Russians were prepared to shoot such aircraft down, as they showed in the U2 incident of 1960. This was after they had rejected President Eisenhower's offer of an 'open skies' policy in which the Americans and the Russians would have been free to fly photographic aircraft over one another's territory. In retrospect the Russian rejection looks all the more unreasonable because within a few years both sides were able to orbit reconnaissance satellites over each other's territory with impunity. What the Russian attitude would

be if it should become readily possible to destroy or blind reconnaissance satellites is a matter for conjecture, especially in the face of the Strategic Defence Initiative. There was much to be said for Eisenhower's offer, if only because good intelligence can be a stabilizing influence in international affairs: it can contribute to both mutual deterrence and mutual reassurance.

The Espionage Convention

There was another noteworthy aspect of the U2 incident, for Eisenhower himself confirmed that he had authorized the U2 flights. He was criticized for making such an official acknowledgement, which was almost unprecedented in intelligence affairs, where the convention was that a government did not acknowledge its intelligence activities, and, for example, gave no support to any of its agents who had been caught in espionage. Notably, as William Colby records in *Honorable Men*,⁵ it was Khrushchev's annoyance with Eisenhower's acceptance of responsibility for the U2 flight that led him to cancel the Paris Summit. But it was time that such a bogus convention was abandoned.

Curiously, although the pre-1914 era was the heyday of the convention, the European powers were surprisingly ready to make statements of their expenditure on their secret services. In 1912 the British Foreign Secretary, Edward Grey, easily obtained from his ambassadors the published expenditures in the countries to which they were respectively credited. The figures were published as a parliamentary paper⁶ and they still make interesting reading:

Austria-Hungary	£62,500
France	£40,000
Germany	£80,387
Great Britain	£50,000
Italy	£120,800
Russia	£380,000 (+ £335,000 for secret police)

The preoccupation with secret service, both external and internal, is a Russian characteristic older than the 1917 Revolution. In fact in *The Craft of Intelligence*, Allen Dulles, who was Director of the Central Intelligence Agency from 1953 to 1961, traces the 'congenital suspicion' of the Russians at least as far back as the sixteenth century when, to resist the ravages of the Tartars and others, the inhabitants had to depend on the garrisons of walled stockades (kremlins) and cities in country that could easily be over-run. And since the Tartars sought to ascertain the strength of the defences in advance by sending agents in (as did Joshua at Jericho) the inhabitants developed a suspicion of strangers.

Secret Services

While there are relatively few problems of ethics in the operation of photographic, communications or electronic reconnaissance, it is otherwise with secret service. 'Oh, where hath our Intelligence been drunk, where hath it slept?' demanded King John, and knowing two of the traditional temptations – alcohol and sex – he might well ask. To these must be added money and disaffection with a native land, or greater affection for a foreign one. The problem for a secret service, or at least for one in a democracy which values decency, is how far the ends of national security can justify these means, nearly all of them disreputable, by which valuable information can sometimes be obtained.

The Russians, for example, have been ruthlessly unscrupulous in exploiting sexual weaknesses of both the hetero- and homo- varieties, not only by tempting employees of foreign powers to provide information in return for gratification but also by subsequent blackmail in threatening to bring such sexual indiscretions and treachery to the notice of an employee's superiors unless he (or she) continues to supply information. To any decent man such methods are thoroughly distasteful, even more so than the induction of an employee's treachery in return for money and material comforts; but the possibility that

valuable information may thereby be obtained cannot be overlooked, although I for one would try to draw a borderline. This limit might be set at 'No sex, please, we're British!' or, rather shorter, at attempting to suborn an employee with money. I cannot conceive that a relation based upon mutual respect could be built up between the suborner and the suborned in such instances, and all my own experience of successes in intelligence has suggested that these have been based on some degree of mutual respect between the various elements in an intelligence chain.

But while I would have little respect for a man who attempted to sell his country's secrets for money, I would have to admit that information of value may be obtained in this way. For an example, the German cryptographic employee in 1932 to whom the French military intelligence gave the code-name 'Asche' (and whose real name may have been Hans-Thilo Schmidt) offered to sell them information connected with his employment in return for financial reward. When his offer was accepted, he provided among other items some operating instructions for the model of 'Enigma' machine then in use and tables of some current keys. These by themselves might not have been very helpful, but when the French gave them to the Polish cryptographers they greatly aided the latter's progress in solving the workings of Enigma. And, more recently, we saw the devastating Walker case in America. Not all such cases, though, end so brilliantly for either the acceptor of the offer of treachery or its provider. Sometimes the offer is bogus, and ends in the acceptor being duped; and sometimes the fear of being duped may lead the intended acceptor to be suspicious and therefore to reject the offer, as appeared to be the case with Michael Bettany in 1983, whose treacherous overtures were treated so warily by the KGB that he was caught by his MI5 employers before his treachery could become effective.

The approach of Bettany to the KGB had some similarity to that of Oleg Penkovsky to the Americans in Moscow in 1960: to them his offer looked 'too good to be true', although it turned out to be for no personal reward but arose instead from a genuine disillusion with the Soviet system. Fortunately, although rejected by the Americans he established six months later a contact with the British, and a most valuable flow of information passed between him and his contact, Greville Wynn. Here mutual respect and friendship easily grew up between the two men.

That kind of respect was at its height of sublimity in World War II, among those of us in London who were working with agents in the many resistance networks in German-occupied territory. These agents were men and women who were risking themselves to help us and seeking no other reward than the liberation of their countries. On our side we were mainly amateurs who had been brought in to strengthen the previously slender organization, and one such was Jimmy Langley who so successfully headed the MI6 section responsible for helping our shot-down airmen and other service personnel to escape from the Continent. This effort was, of course, crucially dependent on specialized resistance chains whose sacrifices were such that Langley estimated that for each of the three thousand-odd men who were brought back one resistance worker had lost his or her life. No wonder, therefore, that some of us, including Langley, became completely committed to their support. In his book, *Fight Another Day*, he records the reaction of a 'professional' officer, Claude Dansey, the Vice-Chief of MI6, upon Langley's outburst at the directive that nothing could be done to help some workers in the famous Comet line who had been caught and condemned to death. 'Your trouble is, Jimmy,' said Dansey, 'that you love your agents.'⁷ That cynical verdict would have applied to most of us.

Can Agents (and Others) Be Expendable?

Certainly we would not have countenanced any suggestion that one or more of our agents should be intentionally betrayed by another agent whom we aimed to ingratiate with the Germans as a double agent whose sympathies lay with them, and through whom we would subsequently feed false information about, for example, the coming landings in France. We were therefore concerned when the publication of Anthony Cave Brown's *Bodyguard of Lies* gave the impression in France that we had been prepared to do just that. One of the most

gallant of French Resistance workers, the Vicomtesse de Clarens, wrote to me in 1981: 'Bodyguard of Lies has stirred reactions and emotions, as you can well imagine, among those who have been led to think by Cave Brown that their lives and fates were considered of little value indeed when balanced with the dire necessity of avoiding the Germans finding out their Enigma was no longer secure.' Appealing to me to write to one of the Resistance journals, she continued: 'You will no doubt put things in their proper perspective, and publication in *Voix et Visages* could help to soothe some rather peeved feelings.' Faced with so much trust I took every possible step with old colleagues throughout the wartime intelligence organizations to check whether anyone could recall an instance where an agent had been intentionally betrayed, or which might be so interpreted. In reporting to *Voix et Visages* the firmly negative result, I could only console the French Resistance with the fact that the same author had said that Churchill himself had sacrificed both Coventry in 1940, to preserve the Ultra secret of our breaking Enigma, and also Bomber Command on the Nuremberg raid in 1944. He argued that the bogus agent who delivered such accurate information would be so entirely convincing that the Germans would believe the false information that he would subsequently provide about the coming D-Day landings. Neither the Coventry nor the Nuremberg claim has, to my knowledge, the slightest element of substance.

The Coventry story, though, for all its falsity has a widespread appeal because of the ethical problems that it illustrates for an operational commander and his intelligence officer. Let us suppose that the intelligence organization has established a source that can reveal the enemy's intentions, and so give notice of an impending attack in such detail that it can be parried by suitable preparation. The danger that then has to be faced is that this preparation may be so specific as to indicate to the enemy, either before or after his attack has been defeated, that information has been leaked, and that it has probably been leaked by a particular channel, for example, an insecure cipher or an agent in a key position. The enemy can then block the leak, and so valuable information on some future operation, or operations, will have been lost. Not only this, but the agent – if a human one – may have been caught and executed: an ungrateful reward for his work. Apart from this problem in ethics there are also the relative values to be assessed in the short-term advantage of acting on the information about an imminent threat and the long-term loss of information about later and possibly greater threats should the secret source be sacrificed.

Had Churchill in fact been faced with the Coventry dilemma, for example, a successful defence might have saved five hundred deaths in Coventry. But as the argument goes, if the necessary preparations could have led the Germans to realize that we were reading Enigma, and had they then changed the machine, some tens, or even hundreds, of thousands more lives might have been lost in the subsequent battles (the Atlantic, the Desert, and France) in which Enigma played a part. So Churchill must inevitably have had to decide on the sacrifice of Coventry. Actually, though, such decisions are rarely so clearcut: even in the hypothetical case of Coventry, for example, the Germans might have preferred to suspect that we had divined their intentions by some method other than breaking Enigma, such as observing the settings of their radio-beams as they were lined up in the afternoon prior to the bombing. Indeed, this is what they actually did when, later in the Blitz, they realized that we were somehow anticipating their nightly targets. Similarly, in the Battle of the Atlantic, where the Enigma information was invaluable, we were able to lead the Germans to think (as we had also done in 1914–18) that the information about U-boat positions came not from cryptography but from accurate direction-finding on the signals transmitted by the U-boats. The possibility of creating such an alibi may therefore ease the discomfort of making a painful decision; but it will always be a matter of judgment, and sometimes this judgment will have to be stern.

'Block 26'

As for whether it is ethical to risk sacrificing an agent as a result of using information he or she has provided, I am grateful never to

have been confronted with the problem. But an instance has come to my notice where the agent himself took the decision for us, and it deserves to be placed on record. Pierre Julitte was an officer on the staff of General de Gaulle in London who volunteered to be parachuted back into France on intelligence missions. Captured on his third mission by the Gestapo in March 1943, he spent the next twenty-five months in prisons and concentration camps, including Buchenwald and Nordhausen (Dora). At the former, in early 1944 he and his fellow inmates of Block 26 were living in terrible conditions when they were set to work in a nearby factory making and assembling electronic components, gyroscopes and control equipment. With their knowledge of engineering they considered ways in which they might subtly sabotage the components so that whatever these were to be used for would fail in operation. Gradually they realized that the 'whatever' must be something new and important, and Julitte deduced that this could be 'a self-propelled projectile, navigating in space, subject to vibration and remote-controlled by radio'. A colleague returning from a stint in the works where the V2 (A4) rockets were being assembled confirmed Julitte's guess. And when they learned from the German radio that the V1 campaign had opened on 13 June 1944, they decided to try to warn the British and American Air Forces about the production of the V2.

One of Julitte's colleagues was to attempt to escape with a message to Julitte's sister in Paris and his cousin in Neuilly. The message gave instructions that the information be forwarded to London with the advice that their factory should be bombed – even though Julitte and his colleagues might be killed if this advice were acted upon. When I wrote *Most Secret War* I was quite ignorant of this heroic episode; but Julitte himself then sent me a copy of his own book *Block 26* in which he had recounted his story, though with all the personal names changed. This gave the book the atmosphere of a novel; but so many of the details rang true that I was convinced. Later I was able to meet M. Julitte and ask him why he had falsified the names. His characteristic reply was that some of his colleagues had not shown up so well, and that if he had changed only their names and given credit to those to whom it was truly due, a reader might deduce those who had behaved badly, and so he decided to falsify all names.

The one remaining item in his story that puzzled me was his precise statement that the factory had been heavily bombed in daylight on 24 August 1944. The factory had been destroyed and five hundred of his co-workers had been killed, as he himself might have been. I could, though, find no mention of such a raid in the Official Histories of either Bomber Command or the Air Defence of Great Britain, although other raids to inhibit the development of the V-weapons had been faithfully listed. Ultimately the Air Historical Section found the answer for me: the factory had indeed been attacked by 128 Flying Fortresses on 24 August 1944, but the target had merely been described in the records as 'an armaments factory at Weimar (Buchenwald)' and so the historians had failed to connect the factory with V2 production.⁸ The air intelligence summary described the results of the subsequent photographic reconnaissance: 'Smoke from extensive fires obscures the greater part of the armaments factory but in the southern and eastern parts which are visible it can be seen that the USAAF attack on 24 August has caused severe damage to almost every building. The radio factory to the north has been completely gutted and some barrack huts in the concentration camp have been severely damaged.'⁹ Through the lost production of V2s the lives of many must thereby have been saved in London and Antwerp who never knew what they owed to Julitte and his colleagues. Can anyone wonder that Langley and I 'loved our agents'? Their sacrifice stands in sublime contrast to the hideous conditions under which they made it.

Torture (and Reprisals)

The German treatment of captured agents raises the question of how far a captor is entitled to go in forcing a prisoner to disclose information, and in discouraging intelligence activities in occupied territory by reprisals on the civilian population. The German treatment of prisoners-of-war was, with some exceptions, correct: but their attitude

towards civilians was harsh and, often, brutal. They followed the doctrine of Clausewitz, that terror was justified as a way to shorten war. They had employed it after Sedan in 1870, and again in 1914 in Belgium. Barbara Tuchman in *August 1914* gives the examples of 211 civilians shot at Andenne, 50 at Seilles, 400 at Tamines, 612 at Dinant, and uncounted numbers at Louvain.¹⁰ In World War II they again used terrorism as a policy; the massacres at Oradour and Lidice were among the appalling results. While it may not be entirely fair to cite these examples as inhumanity specifically to intelligence agents, they do indicate the utter harshness of the German viewpoint during both wars. And the harshness undoubtedly had its effect on intelligence agents; of which there are two examples in *Most Secret War*. One was of the outstanding agent, Georges Lamarque, who gave himself up to the Germans when they surrounded the village from which they had detected his radio transmissions, sacrificing himself to protect the villagers who might otherwise have suffered the fate of those at Oradour. The other was of the agent Yves le Bitoux, who surrendered to the Gestapo at Tréguier in 1944 because he feared that the Germans would savage the town if he had succeeded in escaping. He later died in a concentration camp.¹¹

Apart from the questions of the morality of reprisals and also of the extent to which they may be counterproductive by stimulating resistance rather than cowing it, we need to consider the morality of torture as a means of forcing a captive to reveal information. We in Britain eschewed it. From the interrogators whom I knew personally I am sure that this was on the grounds of humanity, although it was also doctrine with them that torture could produce misleading results because a person under torture is likely to tell his torturers what he thinks they would like to hear rather than what he truly knows. But we would have to admit that the Germans did achieve some successes by torturing captives; and we would also have to admit that the sadism from which we so firmly refrained has sometimes been exhibited in Britain.

I am personally grateful never to have been confronted with a problem of this type: suppose you have captured a terrorist who has planted a bomb which has not yet exploded but which you have reason to think he has left in some place where its explosion will cause casualties and damage. In an extreme case it might be an atomic bomb. He refuses to tell you its location. To what limits are you justified in going to make him talk?

I would hate to resort to torture, all the more so if he has shown himself to be a brave man; but the same fundamental respect for human life and dignity that makes torture so repulsive would also justify driving him to the point of death if you could thereby save the many more lives that would perish if the bomb exploded. And then, if you admit the argument for torture in such an instance, where do you draw the line? A rationalist answer might be: at the point where you are reasonably certain that the total of human suffering will be less if the torture succeeds in extracting the information required. But while this argument may have been valid for the overall saving of human lives by the atomic bomb on Hiroshima, it also underlies Clausewitz's justification of terror tactics, and we have seen the depths into which it can so easily slide.

If we admit that torture might in some circumstances be justified, we have to return to the responsibility of an intelligence service towards its agents in the field who risk capture and torture by the opposing security service. They may also risk death. My own experience was almost entirely in the circumstances of war, where such considerations were much simpler. In peace, there are not only agents at risk but also foreign relations if an operation goes wrong. Such problems have been described by Admiral Stansfield Turner, who was Director of the CIA from 1977 to 1980, in *Secrecy and Democracy*.¹² Coming into intelligence after a distinguished career in the US Navy, the Admiral looked afresh at all such problems, and his conclusions have much in common with those that I myself formed in wartime. This might be partly due to the fact that even in peacetime an intelligence service is in effect engaged in a war with its opposing security service. One difference, though, that makes peacetime working more difficult is that intelligence operations are then regarded far less

sympathetically by the public, and there is much more time for post-mortems and recrimination if mistakes have been made.

Covert Action

This last factor has dogged the CIA over the last thirty years, all the more so because the agency has been involved not only with intelligence but with the more aggressive forms of covert action. In Britain in World War II there was originally a section in MI6 concerned with sabotage, but in 1940 this was hived off into a completely new organization, the Special Operations Executive. On the whole this was beneficial to both activities, since the intelligence organization – if it had an agent placed in a good position to gather information – aimed to keep him there, even sometimes to the extent of not using his information if this might lead to his being discovered, and therefore to his inability to provide more valuable information in the future, whereas SOE tended to regard its sabotage agents more as elements in an active army where casualties were to be expected, and where the results of their work would be much more immediately obvious to the enemy. Again, sabotage usually required greater numbers of personnel, and the organization had therefore to be larger: and so, although the same conflict between short- and long-term operations could arise in sabotage as well as in intelligence, there was much merit in separating the two activities as far as possible. They also attracted rather different types of officer – some who would be repelled by actions of the 'dirty tricks' variety would have less hesitation in working for intelligence.

Admiral Turner, though, takes a differing view. While accepting that separating covert action from intelligence might solve some problems, he argues that it would create others: 'The CIA's intelligence agents overseas are often the same people needed for covert action. It would be confusing, and at times dangerous, to have two agencies giving them orders and managing their activities. And if one agency did only covert action, what would it do during periods of slack demand?' This last consideration did not apply to us in war because there were continuous demands for both activities; but we certainly encountered problems in rivalries between the two types of organization operating in the same territory.

A further complication arises from the fact that an intelligence organization – if it is doing its job – will often be the first to realize, from its unique viewpoint, the vulnerability of an opponent, actual or potential. Therefore intelligence will know where and how the enemy can best be hindered by deception, sabotage, or – in war – overt military action. For example, I myself was sometimes in this position in World War II, as in the cases of 'Window' (or 'Chaff') and countermeasures to German radio bombing techniques: but it was clear that once I had made a technical or tactical suggestion for action the responsibility for its implementation belonged to the operational staff. Obviously action is facilitated if both intelligence and operations can be controlled under one organization; but an offsetting merit of separation is that an intelligence unit is more likely to be impartial in its assessment of the success of operations if it is independent of any attempt by the operational side to interpret the evidence regarding success or failure too favourably. For all these reasons I continue to stand for the independence of intelligence from operations, both covert and overt, to the highest possible level in government organization, although of course recognizing the need for the greatest possible understanding between intelligence and operational staffs.

Returning then to America, it can be seen how the responsibility of the CIA for both intelligence and covert operations has created many problems for the Agency. Its involvement in, and part responsibility for, the Bay of Pigs disaster in 1961, which attempted to overthrow Castro, led to the resignation of the Director, Allen Dulles. Richard Helms, who had been Director from 1966, was fired by President Nixon in 1973 because, according to his biographer Thomas Powers, he refused to provide a CIA cover-up for Nixon in the Watergate affair.¹³ These grounds would have been quite implausible if the CIA had always kept itself apart from covert operations concerned with internal security. William Colby, who became Director in 1973, was

in his turn dismissed in 1975 by President Ford largely because of public outcry at the CIA's involvement in assassinations, over which Colby himself had been scrupulously honest – too honest, many of his staff thought – in exposing the Agency's past mistakes. His departure was finally precipitated by Press and public indignation over his revelation to a Senate Committee of the existence of a dart gun and small quantities of virulent poisons that had come to light in an obscure store-room which had been overlooked in his previous survey, conscientious though this had been. Colby welcomed me in his office shortly after his dismissal. When I expressed my regret he nobly told me that he did not mind how much he himself suffered from the episode if by 'taking the rap' he could leave the Agency in a healthy condition. Finally, this story of the fates of CIA Directors might have had a further melancholy chapter over the arms for Iran affair, had not the death of William Casey early in 1987 intervened before the official inquiries into the affair could be completed – although Casey himself was convinced that he and the Agency would be vindicated.

Assassination

Helms himself observed that 'war corrupts and secret war corrupts secretly'.¹⁴ So it is easy to slip towards the acceptance of assassination as one of its techniques. In 1940 there was a suggestion that there should be a special British clandestine operation to attack the aircrews of the German pathfinders who were causing us so much trouble in the Blitz. They were to be ambushed while being ferried by bus between their billets and the airfield at Vannes before taking off for an attack. This was vetoed by Sir Charles Portal, the Chief of Air Staff; but as the war progressed, feelings became less delicate. Later, at the time of the Suez crisis in 1956, there was even talk – it appears – of attempting to assassinate President Nasser.¹⁵ In America, Allen Dulles, aware of the danger of the CIA slipping towards an acceptance of assassination, specifically forbade it when he was Director, and an embargo was included in presidential directives on three occasions. Nevertheless it was sometimes attempted, with disastrous results for the CIA when it came to light.

Torture and Duress

Torture, too, was officially barred – at least to the extent of a rule being formulated by Helms in 1955 under Dulles's directorship: 'You may not use electrical, chemical, or physical duress,' it read, although, as Powers then went on to point out, 'psychological duress was okay'.¹⁶ We, in World War II, certainly tried to bluff prisoners-of-war into thinking we knew much more than we did in the hope that this would mislead them into giving away things about which we knew little or nothing. And it seemed not too unfair to 'fence' psychologically with a prisoner and thus to trap him into saying more than he had originally intended. But there had to be a limit such as, for example, not playing on a man's emotions by encouraging him to worry about the safety of his family. I take it that no such restraint is likely to be widely observed today.

'Character Assassination'

Short of killing a key individual on the opposing side, his value to them may be destroyed if his colleagues or countrymen can be misled into suspecting that he is a secret agent for your own side, or has some other motive for working against his side's interests. This mischievous technique is only likely to succeed when the individual in question is working in an organization prone to mutual suspicion; but in so far as it exploits a moral weakness in that organization, so 'hoisting the engineer with his own petard', it may be less repugnant than other measures.

Intervention

In parallel with the ethical problem of the humane limits of conduct towards individuals, there is the problem of the extent to which any

one state can be justified in attempting to interfere in the internal affairs of another. The 'Irangate' affair and the clandestine mining of Nicaraguan harbours under CIA auspices are cases in point. In discussing such questions Stansfield Turner in *Secrecy and Democracy*¹⁷ quotes John Stuart Mill's *A few words on non-intervention* (1859):

The doctrine of non-intervention, to be a legitimate principle of morality, must be accepted by all governments. The despot must consent to be bound by it as well as the free state. Unless they do, the profession comes to this miserable issue – that the wrong side may help the wrong, but the right must not help the right.

Thus a Gresham's Law will tend to operate in international affairs, especially in any field of covert action where the operators think that their actions will be free from public scrutiny. All the more reason, therefore, to endorse Turner's specification for CIA personnel selection: 'The CIA needs people not only with skills, but with high moral standards, with the confidence to be independent, and with the desire to be innovative.'¹⁸ He also stated that 'there is one overall test of the ethics of human intelligence activities. That is whether those approving them feel they could defend their decisions before the public if the actions became public. This guideline does not say that the overseers should approve actions only if the public would approve them if they knew of them. Rather it says that the overseers should be so convinced of the importance of the actions that they would accept any criticism that might develop if the covert actions did become public, and could construct a convincing defense of their decisions.'¹⁹

Internal Intelligence

Besides the ethical questions concerning how a nation and its officials and agents should restrain their activities in gaining information about another nation's secrets, or in attempting to interfere in its internal affairs, there are other questions that will arise when a nation's officials have to seek out activities within its own borders that could jeopardize its security. In Britain these are the province of MI5, while MI6 covers intelligence about other nations. Although this is a neat division of functions, MI5 and MI6 at times have joint interests. For example, when foreign agents operating outside Britain attempt to organize sub-agents for espionage, sabotage, terrorism, or whatever inside it, the agents abroad are, strictly, targets for MI6 and the sub-agents in Britain for MI5. For such problems, liaison between MI5 and MI6 has to be very close: in 1939–45 this was largely effected by having a special section inside MI6 – ironically its head was Kim Philby.

In America a rather similar separation of functions is made between the Central Intelligence Agency and the Federal Bureau of Investigation, although the separation there is now more on a territorial basis; the CIA being responsible for all intelligence and counter-intelligence activities abroad, and the FBI for all inside the United States. Much the same problems arise in America as in Britain respecting individual privacy; for example, in opening private correspondence, tapping telephone conversations, or breaking into private premises. According to Colby in *Honorable Men*,²⁰ the CIA in 1952 started a programme of opening selected letters in the mail between the United States and Russia in the hope of detecting undesirable activity. This was 'a direct violation of a criminal statute' and the practice was shelved in 1973. Admiral Turner records that the tapping of telephones and other forms of electronic communication in the United States have since 1978 been governed by the Foreign Intelligence Surveillance Act, which stipulates that if it has to be done it should be carried out using the least obtrusive technique that will do the job; every such operation should be certified as necessary before the Attorney General and reviewed by a special court of senior judges. Breaks into private premises presumably now require similar authorization, since the Watergate and Ellsberg (1971) cases brought such break-ins so embarrassingly to public notice.

Following disclosures by former MI5 officers about break-ins by MI5 in Britain, the Government has introduced a Bill to put such operations – hitherto illegal – on a legitimate basis and subject to the safeguard that

each operation must be authorized by the Home Secretary and 'only when he was satisfied that the information was likely to be of substantial value and assistance to [the Security Service] . . . and . . . could not reasonably be obtained by other means'.²¹ An independent commissioner would be appointed to review the issuing of warrants and to make an annual report to the Prime Minister. There appear to be few reasonable alternatives to these proposals in a democratic society.

Privacy

While any decent individual instinctively reacts against break-ins and less violent infringements of privacy, a state legitimately requests some details about each of its individual citizens for a wide range of social purposes such as taxation, educational planning, transport facilities, and potential for military and other forms of public service. It might therefore be asked why we set so much store by a right to privacy. Apart from the nightmare of a 'Big Brother' state, there is an instinctive dislike of surveillance, even parental surveillance; and there may well be an apprehension based deeply back in the evolutionary process arising from a feeling of vulnerability while executing bodily functions or in sickness, and of latent trouble from a stalking predator whose staring eyes betray his intentions. More rationally, I for one would have little objection to any authority having any information it wished about my actions – or even my thoughts – provided that I could be sure that it would not misinterpret the information to come to false conclusions about me.

Just as technology is tending to modify concepts of sovereignty (from a three-mile limit for territorial waters based on the range of a gun to a limit of 200 miles today, and the free movement of satellites over the territories of other nations, for example) so also it is tending to change the balance between the rights of individuals and the states of which they are members. The complex organization of a modern state needs to know more about its individuals for optimum functioning, and this is all the easier to achieve because of the technical advances in handling and storing information; and, unfortunately, it will be only too easy for zeal to replace judgment in the process.

Oversight

Some of the problems of internal intelligence, both in the United States and in Britain, have arisen from excessive zeal. Thirty years ago Percy Sillitoe's determination as head of MI5 to stop Britain from becoming a police state (see above, page 21) was all the safeguard that was needed; but today with the various exposures regarding both MI5 and the greater surveillance needed to protect against penetration, it is difficult to be so sure. The attempted remedy in America is 'oversight', where the activities of the intelligence and security services are overseen by committees, one from the Senate and the other from the House of Representatives. Much obviously depends on the selection of members for these committees, but on balance Admiral Turner, in whose time as Director of the CIA they first became effective, records a favourable impression. On the negative side, he found them restrictive: 'We tend to apply our new enthusiasm for oversight of the ethics of intelligence to micromanagement by the Congress of the development of new intelligence technologies . . . Another false economy that congressional oversight has fostered is the frugality in stockpiling intelligence collection systems . . . One other dangerous hindrance is that the CIA's research branch is gradually losing out to the large and clever military bureaucracy at the Pentagon . . . The espionage people also deserve better protection from the Congress and the White House.'²² But on the positive side, he wrote, 'oversight, especially by Congress, can give helpful guidance to the CIA as to what is and what is not acceptable conduct in the pursuit of secrets . . . the better the oversight process is, the less concern there need be about concentrating too much authority in the hands of the DCI . . . If we want good intelligence in the long run, our only option is to make oversight work.'²³ At the same time Admiral Turner would fuse the Senate and Congressional oversight committees into one with a membership limited to reduce the possibility of leaks.²⁴

While, though, Admiral Turner so firmly supports oversight, the record in Washington since it was introduced has not been one of unqualified success. It is now generally agreed that the CIA-sponsored mining of Nicaraguan harbours in 1983 was a mistake, and it was allowed to go ahead despite nominal oversight by both the Senate Intelligence Committee under Barry Goldwater and the Congressional Intelligence Committee under Edward Boland. The latter had been so disturbed by earlier developments that in August 1982 he had succeeded in moving that the CIA and the Defense Department should be prohibited from furnishing military equipment, training or support to anyone 'for the purpose of overthrowing the Government of Nicaragua'.²⁵ Robert Woodward, who with Carl Bernstein exposed the Watergate affair, has described this episode at length in *Veil: The Secret Wars of the CIA 1981–7*.²⁶ Formally, the members of the oversight committee were in a difficult position. The law which established them stipulates that they must be informed of major intelligence activities, but appears not to have given them a right of veto: moreover, the individual members had been sworn to secrecy, and so they could be in trouble if they made a public disclosure.

It is not easy to see a way out of this difficulty. No intelligence organization can surrender its executive responsibility to an oversight committee, no matter how able, experienced and responsible the individual members of the committee may be. Two reasons preclude any such procedure. The first is that an intelligence organization is constantly waging a war, and any operations in that war need a commander with full responsibility for their planning and execution. At times risks have to be taken, and a committee approach is likely to be inhibiting. Clive of India said that he had held a council of war but once, and had he heeded the advice of the council rather than his own judgment the British would never have been masters of India.

The second reason against the committee approach is allied to the first; it arises from the way in which intelligence appreciations have to be formed from the information that has been gained. Despite Napoleon's worry about the danger of 'making a picture of the enemy', this is what an intelligence organization has to do in presenting its conclusions for assimilation by those who have then to undertake executive action. Just as an artist has to present as faithful an impression as possible, according to his lights, with the economy of detail of a painted portrait as contrasted with a photograph, so an intelligence officer has to convey a portrait of the opponent constructed to give the truest possible impression from the limited amount of detailed information that will be available even to a good intelligence service. An intelligence report therefore has much in common with a work of art; and my experiences on the Joint Intelligence Committee (see above, page 28) suggest that committees are hardly more likely to produce good intelligence reports than they would be to paint good pictures. When information is sparse it permits a multitude of explanations, and committees can lose much time over indecisive argument as to which is the correct one.

This was also the experience of General Eugene Tighe, head of the Defense Intelligence Agency in the Pentagon from 1977 to 1979. In thirty-six years of intelligence work, 'he had seen administrations, Secretaries of Defense, and DCIs come and go, and the shape and tone of intelligence work change. But the real squabbles arose when they didn't have enough information. When US intelligence had a lot of good data, there was rarely a fight.'²⁷

While not wishing to under-rate the second of the foregoing reasons, I believe the first is decisive in determining that an intelligence service must have freedom to act as it thinks best, and to that extent oversight must have limits. The example of the mining of Nicaraguan harbours may suggest that these limits were too loosely drawn, or that an enterprising DCI could too easily find a way round them. The same example may also suggest that it is dangerous for an intelligence organization to have such autonomy, even though nominally subject to oversight. But, once again, intelligence is waging a war and risks sometimes have to be run. Churchill's delighted soldiers in the Royal Scots Fusiliers in 1916 told how he, as their commanding officer, was visited in the front line by a general from some rear headquarters. 'If you would care, sir,' said Churchill, 'to step over the parapet, we

could go for a walk in no-man's land.' 'Wouldn't that be dangerous?' asked the general. Churchill replied, 'Sir, this is a dangerous war!' And that will always be true of war fought by intelligence agencies too, where the lines may be covertly drawn.

As for whether we in Britain should adopt oversight of the intelligence services on the American pattern I would have said in the days of men like Percy Sillitoe that there was little need for it – at least as regards the danger of the services overstepping the limits of reasonable conduct. The oversight that was needed then was more in looking for inefficiencies in the system such as were all too evident in 1939 and, more recently, were the subject of the Franks inquiry over the Falklands. But moral standards have fallen from the days when an Englishman's word was his bond, as we have seen in other walks of public life, such as the City. It cannot be guaranteed that this is never likely to affect the conduct of intelligence affairs, with all the temptations that they may afford. Some measure of oversight is therefore desirable, if only to assure Parliament and the public that intelligence is being wisely and scrupulously conducted.

Successive prime ministers have strongly discouraged the discussion of intelligence affairs in Parliament, where obvious dangers could arise from disclosure. But, while it was easy to protect the intelligence services from scrutiny when these were small, it is less easy today when

organizations like GCHQ are much larger. Besides the problems that thereby arise from trades unions, increases in numbers give rise to increased chances for treachery and for leaks that will sooner or later come to public notice and so lead to discussion in Parliament. There appears to be a body inside government itself that could provide oversight, the Ministerial Steering Committee on Intelligence. But whether this is the best body for the purpose, or whether a small inter-party body of senior politicians (and perhaps others of experience, discretion and judgment) might be better, would itself be a fitting matter for Parliamentary discussion.

Minimum Trespass

Two final points on ethics are worth making. The first is that, despite all the opportunities – and temptations – that it offers for malpractice, intelligence can be an honourable pursuit. Indeed, by improving the assessment by one nation of another it can, on occasion, contribute to international stability. On less happy occasions, of course, the children of light will be at a disadvantage unless they know enough of the ways of the world to forestall or counter any unworthy exploitation of those ways by the children of this world. There need be absolutely no dishonour in trying to ascertain what a potential or actual opponent is likely to attempt, be it by external armed threat or by internal subversion. The risk of disrepute will depend on the extent to which the individual intelligence officer or his organization departs from the norms of morality in uncovering an opponent's activities.

The second point follows from the first. One of the canons governing military or police action is the doctrine of minimum force, and a parallel canon should govern intelligence: it should be conducted with the minimum trespass against national and individual human rights. This canon applies to all forms of intelligence, both external and internal, that a civilized state may find it necessary to undertake.